

Application No. 10/824,804  
Attorney Docket No. 20714-0033

### C) AMENDMENTS TO THE CLAIMS

This listing of the claims will replace all prior versions, and listings of claims in the Application.

- 1.-11. (canceled)
12. (currently amended) The control system of claim ~~[[14]]~~ 22 wherein the at least one predetermined criteria includes the HVAC system being operated for a predetermined time.
13. (currently amended) The control system of claim ~~[[14]]~~ 22 wherein the at least one predetermined criteria includes an indoor temperature of the interior space being less than a predetermined indoor temperature.
14. (previously presented) The control system of claim 12 wherein the predetermined time is a compressor run time.
15. (canceled)
16. (currently amended) The control system of claim ~~[[14]]~~ 22 wherein the control panel is incorporated in a controller.
17. (currently amended) The control system of claim ~~[[14]]~~ 22 wherein the control panel is incorporated in a thermostat.
18. (currently amended) The control system of claim ~~[[14]]~~ 22 wherein the ambient outside temperature is less than a value that can damage the interior space.
19. (currently amended) The control system of claim ~~[[14]]~~ 18 wherein the ambient outside temperature is less than about 32°F.
20. (currently amended) The control system of claim ~~[[14]]~~ 22 wherein the at least one predetermined criteria including upon the control panel determining the HVAC system functioning improperly, the control panel enables the auxiliary heater without regard to the at least one of the HVAC system being enabled for a predetermined time and the indoor temperature of the interior space being less than a second predetermined temperature.

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21. (original) The control system of claim 20 wherein the control panel includes a diagnostic module to determine if the HVAC system is functioning improperly.

22. (currently amended) ~~The~~ A control system of claim 11 for selectively providing heat to an interior space comprising:

a control panel configured to control a HVAC system having a compressor, a condenser and an evaporator connected in a closed refrigerant loop, and an auxiliary heater controllable independently of the HVAC system, the control panel comprising:

a first sensor to measure an ambient outside temperature;

a control device, the control device receiving a demand for heating the interior space from the HVAC system based on the interior space being less than a first predetermined indoor temperature; and

a storage device storing a predetermined balance point temperature associated with the HVAC system; and

the control device being configured to engage the auxiliary heater in response to the ambient outside temperature being greater than the predetermined balance point temperature and the satisfaction of at least one predetermined criteria related to the HVAC system, and wherein the at least one predetermined criteria including upon the control panel determining the ambient outside temperature being greater than the predetermined balance point temperature and at least one of the HVAC system being enabled for a predetermined time and the indoor temperature of the interior space being less than a second predetermined temperature, unless the ambient outside temperature is greater than a third predetermined temperature, wherein the control device is prevented from engaging the auxiliary heater.

23. (original) The control system of claim 22 wherein the third predetermined temperature is greater than a value that can damage the interior space.

24. (canceled)

25. (currently amended) The HVAC system of claim ~~[[24]]~~ 33 wherein the at least one predetermined criteria includes the HVAC system being operated for a predetermined time.

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26. (currently amended) The HVAC system of claim ~~[[24]]~~ 33 wherein the at least one predetermined criteria includes an indoor temperature of the interior space being less than a predetermined indoor temperature.

27. (previously presented) The HVAC system of claim 25 wherein the predetermined time is a compressor run time.

28. (canceled)

29. (currently amended) The HVAC system of claim ~~[[24]]~~ 33 wherein the ambient outside temperature is less than a value that could result in damage to the interior space.

30. (original) The HVAC system of claim 29 wherein the ambient outside temperature is less than about 32°F.

31. (currently amended) The HVAC system of claim ~~[[24]]~~ 33 wherein the control panel being configured to determine if the HVAC system is functioning improperly, the control panel being configured to enable the auxiliary heater without regard to at least one of the HVAC system being enabled for a predetermined time and the indoor temperature of the interior space being less than a second predetermined temperature.

32. (original) The HVAC system of claim 31 wherein the control panel includes a diagnostic module to determine if the HVAC system is functioning improperly.

33. (currently amended) ~~The~~An HVAC system of claim 24 for an interior space, the HVAC system comprising:

a compressor, a condenser and an evaporator connected in a closed refrigerant loop;

an auxiliary heater controllable independently of the refrigerant loop;

a control panel configured to control the HVAC system, the control panel comprising:

a first sensor to measure an ambient outside temperature;

a second sensor to measure an indoor temperature of the interior space;

a control device; and

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a storage device storing a predetermined balance point temperature associated with the HVAC system; and

the control device being configured to engage the auxiliary heater in response to the ambient outside temperature being greater than the predetermined balance point temperature and the satisfaction of at least one predetermined criteria related to the HVAC system, and wherein the control panel being configured to determine if the ambient outside temperature is greater than the predetermined balance point temperature and at least one of the HVAC system being enabled for a predetermined time and the indoor temperature of the interior space being less than a second predetermined temperature, unless the ambient outside temperature is greater than a third predetermined temperature, wherein the control device is prevented from engaging the auxiliary heater.

34. (original) The HVAC system of claim 33 wherein the third predetermined temperature is greater than a value that could result in damage the interior space.